

Applicant hereby confirms that the election of the species 1, 2 and 4 has been made without traverse. However, applicant respectfully submits that claims 5-11 should not be withdrawn from further consideration because claim 1 is generic, as indicated by the Examiner in the previous office action, and claim 1 is allowable, as will be discussed below.

Reconsideration and withdrawal of the rejection of claims 1-3 under 35 U.S.C. 102(b) as being anticipated by the reference to Schütz '777, are respectfully requested.

Applicant respectfully submits that claim 1 as set forth in the present application is patentable over the reference relied on by the Examiner.

The essence of the invention as set forth in claim 1 resides in a structure of the bottom of an inner container of plastic material of a transport and storage container for liquids which is characterized by a lower bottom configured as a drainage bottom having a central, flat drainage channel extending with a slight downward slant from the back wall to an outlet socket arranged in a dome-shaped bulge in the front wall of the inner container, and two forward bottom portions arranged on opposite sides of the bulge, wherein the two forward bottom portions ascend from the

lower bottom toward the front wall and toward the corner areas adjoining the front wall or toward the front wall and the side walls and the corner areas adjoining the front wall and the side walls, respectively, and wherein the two forward bottom portions form drainage surfaces for draining residual liquid from the forward bottom area of the inner container via the bottom slant into the outlet socket, so that an optimum emptying of the transport and storage container is made possible.

In the office action, the Examiner has taken the position that, in the transport and storage container for liquids shown in Figs. 1, 6 and 21 of the reference, the transition between the front wall and the lower bottom of the inner container of plastic having a relatively large radius includes two front bottom portions which are arranged on both sides of a bulge in the front wall of the container for receiving the outlet socket, wherein the two bottom portions ascend from the lower bottom toward the front wall of the inner container and to the corner areas adjoining the front wall and form drainage surfaces for the residual liquid.

It is the conclusion of the Examiner that this means that claim 1 of the present application is anticipated by the reference.

However, it is submitted that, in contrast to the position

taken by the Examiner, Figs. 1, 6 and 21 of the reference do not show a transport and storage container with a front wall of the inner container provided with two front bottom portions arranged on both sides of the dome-shaped bulge in the front wall of the inner container, wherein, as illustrated in Figs. 3 and 4 of the present application, the defined bottom portions 29, 30 ascend from the lower bottom 12 to the front wall 8 of the inner container 8 and toward the corner areas 27, 28 adjacent the front wall 8 and form drainage surfaces 31, 32 for the residual liquid.

Such bottom portions of the inner container of plastic as mentioned above and recited in claim 1 of the present application which have a drainage function during the residual emptying of the container are not shown or described in the reference.

The transitions having a large radius between the walls and the lower bottom of the inner container of plastic of the transport and storage container described in the reference are required for being able to manufacture the plastic container by blow molding. The transitions between the front wall and the corner areas thereof and the lower bottom of the inner container cannot carry out a drainage function during the residual emptying of the container. This has been found to be the case during the residual emptying of the transport and storage container of the reference which is being

sold worldwide.

Accordingly, the transport and storage container as recited in claim 1 of the present application is not disclosed or suggested by the reference relied on by the Examiner.

As is clear from the above, the reference does not disclose or suggest a transport and storage container with an outer mantle whose inner container of plastic includes a lower bottom with two front bottom portions which, as recited in claim 1 of the present application, form drainage surfaces for a residual liquid arranged on both sides of a dome-shaped bulge in the front wall of the container for receiving the outlet socket and the removal fitting of the inner container.

Consequently, the reference relied on by the Examiner does also not provide any indications for the configuration of the connecting edges between the lower bottom of the inner container and the two front bottom portions which form drainage surfaces for the residual liquid and extend transversely or inclined relative to the center drainage channel, as recited in claims 2 and 3 of the present application.

Therefore, it is submitted that it is clear that claim 1 is

patentable over the reference relied on by the Examiner.

The reference to Maurice describes a damping element of plastics material for protecting objects against impacts during transport.

The reference to Maurice does not disclose or suggest the transport and storage container as it is set forth in claim 1 of the present application.

Accordingly, claim 1 and all the claims depending therefrom are patentable over the art of record.

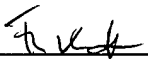
Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

FRIEDRICH KUEFFNER

Dated: May 5, 2003

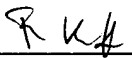


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 5, 2003.

By: 

Friedrich Kueffner

Date: May 5, 2003